

During the interview, the undersigned and Mr. Pokorney (the inventor) discussed the structural differences between the invention and the syringe shown in the Saez et al. '449 reference. The Examiner pointed out that it would be necessary, in order to overcome the Saez reference, to address the structural differences and not the actual relationships to the fingers; that is, the differences in the finger grip structure as part of the syringe body and plunger contact. The Examiner's position had been that Saez shows elongated finger holes which, at the radially outwardly spaced ends of the holes, provide finger grips that respond to the applicant's claims.

The present amendment rewrites claims 1 and 4, adds new claims 16-19, and cancels claims 5 and 12-15.

With respect to the position of the finger grips, which is of central importance, claim 1 requires each of the pair of finger grips carried at the proximal end of the barrel to have "a generally distally facing gripping surface having an arcuate position nearer the barrel than any other arcuate gripping surface portion and defining a most proximal point on said arcuate gripping surface to which finger pressure is applied proximally during operation of the syringe..." This claim, without depending on a user's fingers, requires the finger grips to have arcuate portions that define a most proximal point on an arcuate gripping surface, these arcuate portions being nearer the barrel than any other arcuate gripping surface portion, thereby clearly distinguishing over Saez et al. Similar language is found in claim 4.

New claim 16 calls for each of the finger grips to have a generally distally facing gripping surface that has a pressure point at its center, thereby again distinguishing over Saez et al. Dependent claim 17 requires the gripping surfaces to be arcuate, and also provides that each pressure point be at the most proximal point of the arcuate gripping surface.

Independent claim 19, using slightly different language, calls for each gripping surface to have one finger pressure point that is more closely adjacent to the barrel than any other finger pressure point of the gripping surface, and then calls out that these more closely adjacent pressure points define a plane substantially perpendicular to the barrel axis, etc. With claim 19, in other words, if a finger grip contains room for two fingers (as in Saez et al.), the gripping surface that establishes a plane perpendicular to

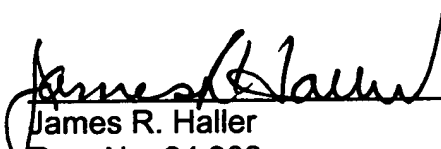
the barrel is that gripping surface that is closest to the barrel. This, again, distinguishes structurally over Saez et al.

At the interview on November 20, 2001, we pointed out, by demonstrating a syringe made along the Saez et al. design, how difficult it would be for one to use the Saez design with only two fingers being placed at the outer ends of the racetrack-shaped finger openings of Saez. That is, from an ergonomic standpoint, one would have difficulty using the Saez device with less than all four fingers, two fingers in each finger hole. In order to apply pressure downwardly upon the plunger, finger pressure must be exerted upwardly on the finger grips. Ergonomically, the present invention enables finger pressure to be directed distally against finger grips that are nearest the barrel, with the thumb pressure point of the plunger extending distally at least to and preferably beyond the plane joining the finger pressure points. This feature is not shown or suggested by Saez.

Favorable consideration of this application is courteously requested. Should the Examiner have concerns that could be addressed by an Examiner's Amendment, a telephone call to the undersigned would be appreciated.

Respectfully submitted,

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Claims Marked to Show Changes:

1. (Twice Amended) A hand operated syringe for injecting a liquid, comprising:
  - a) an elongated barrel having proximal and distal ends and an exit orifice at its distal end;
  - b) a pair of opposing finger grips for reception of the index and middle fingers, respectively, of a user's hand and carried at the proximal end of the barrel, each grip having a generally distally facing gripping surface having an arcuate portion nearer the barrel [proximal inner portion] than any other arcuate gripping surface portion and defining a most proximal [pressure] point on said arcuate gripping surface [closely adjacent the barrel] to which finger pressure [from the index and middle fingers] is applied proximally during operation of the syringe, said points defining a plane substantially perpendicular to the barrel's axis;
  - c) a plunger received in the barrel and having a proximal end protruding from the barrel, said proximal end including a pressure surface adapted to receive manual pressure; the plunger being movable between retracted and fully inserted positions within the barrel to discharge a volume of liquid through the exit orifice, the pressure surface of the plunger and the finger pressure points closely adjacent the barrel being so arranged that when the plunger is in its fully inserted position, its pressure surface is spaced distally of said plane.
4. (Twice Amended) A hand operated syringe for injecting a liquid, comprising:
  - a) an elongated barrel having proximal and distal ends and an exit orifice at its distal end;
  - b) a pair of opposing finger grips for reception of the index and middle

fingers, respectively, of a user's hand and carried at the proximal end of the barrel, each grip having a generally distally facing gripping surface having an arcuate portion nearer the barrel [proximal inner portion] than any other arcuate gripping surface portion and defining a most proximal pressure point [closely adjacent the barrel] on said arcuate gripping surface to which finger pressure [from the index and middle fingers] is applied proximally during operation of the syringe, said points defining a plane substantially perpendicular to the barrel's axis;

c) a plunger received in the barrel and having a proximal end protruding from the barrel, said proximal end including a pressure surface adapted to receive manual pressure; the plunger being movable between retracted and fully inserted positions within the barrel to discharge a volume of liquid through the exit orifice; the pressure surface of the plunger and the finger pressure points closely adjacent the barrel being so arranged that when the plunger is in its fully inserted position, its pressure surface lies substantially in said plane.